

# City of Charlotte

Charlotte-Mecklenburg Government Center  
600 East 4th Street  
Charlotte, NC 28202



## Meeting Agenda

**Monday, November 13, 2023**

**Council Chamber**

### **City Council Business Meeting**

*Mayor Vi Lyles*

*Mayor Pro Tem Braxton Winston II*

*Council Member Dimple Ajmera*

*Council Member Danté Anderson*

*Council Member Tariq Scott Bokhari*

*Council Member Ed Driggs*

*Council Member Malcolm Graham*

*Council Member Reneé Johnson*

*Council Member LaWana Mayfield*

*Council Member James Mitchell*

*Council Member Marjorie Molina*

*Council Member Victoria Watlington*

## **5:00 P.M. CITY COUNCIL ACTION REVIEW, CHARLOTTE-MECKLENBURG GOVERNMENT CENTER, REGULAR MEETING HOSTED FROM ROOM 267**

*This meeting will also be accessible via the Government Channel, the City's Facebook page, and the City's YouTube channel.*

### **1. Mayor and Council Consent Item Questions and Answers**

**Staff Resource(s):**

Marie Harris, Strategy and Budget

**Time:** 5 minutes

**Synopsis**

Mayor and Council may ask questions about Consent agenda items.

[2023-11-13 Council Agenda QA](#)

**2. Consent agenda items 19 through 41 may be considered in one motion except for those items removed by a Council member. Items are removed by notifying the City Clerk.**

**Time:** 10 minutes

Consideration of Consent Items shall occur in the following order:

- A. Items that have not been pulled, and
- B. Items with residents signed up to speak to the item.

### 3. Action Review Agenda Overview

**Staff Resource(s):**

Marcus Jones, City Manager

### 4. Action Review Items

#### Tree Canopy Update

**Staff Resource(s):**

Alyson Craig, Planning, Design & Development

Tim Porter, Planning, Design & Development

**Time:** Presentation - 10 minutes; Discussion - 25 minutes

**Explanation**

- Receive an overview of the Tree Canopy Report.

#### Bus Operations Contract

**Staff Resource(s):**

Brent Cagle, CATS

**Time:** Presentation - 10 minutes; Discussion - 30 minutes

**Explanation**

- Receive an update on the Request for Proposals for Transit Management Services.

[Action Review - Tree Canopy Update](#)

[Action Review - Bus Operations Contract](#)

**5. Closed Session (as necessary)**

**6:30 P.M. CITY COUNCIL BUSINESS MEETING,  
CHARLOTTE-MECKLENBURG GOVERNMENT CENTER,  
COUNCIL CHAMBER**

*Call to Order*

*Introductions*

*Invocation*

*Pledge of Allegiance*

## **AWARDS AND RECOGNITIONS**

### **6. Homelessness Awareness Month**

**Action:**

Mayor Lyles will read a proclamation recognizing November as Homelessness Awareness Month.

### **7. Native American Heritage Month**

**Action:**

Mayor Lyles will read a proclamation recognizing November as Native American Heritage Month.





## 8. Public Hearing and Decision on a Resolution to Close a Portion of Old Dowd Road

### Action:

- A. Conduct a public hearing to close a Portion of Old Dowd Road, and
- B. Adopt a resolution and close a Portion of Old Dowd Road.

### **Staff Resource(s):**

Debbie Smith, Transportation

Casey Mashburn, Transportation

### **Explanation**

- NC General Statute Section 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation (CDOT) received a petition signed by the adjacent property owners to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way and attaches it to the adjacent property. The land will be distributed proportionally between adjacent property owners in accordance with North Carolina General Statute 160A-299.
- The attached Resolution refers to exhibits and metes and bounds descriptions that are available in the City Clerk's Office.
- The right-of-way to be closed is located in Council District 3.

### **Petitioner**

City of Charlotte - Aviation Department

### **Right-of-Way to be Abandoned**

A Portion of Old Dowd Road

### **Reason**

Per the petition submitted by City of Charlotte - Aviation Department, for the construction of a portion of the North End Around Taxiway. The city has no objections.

### **Notification**

As part of the city's notification process, and in compliance with NC General Statute 160A-299, the CDOT submitted this abandonment petition for review by the public and city departments.

### Adjoining property owner(s)

City of Charlotte - Aviation Department - No objections

### City Departments

- Review by city departments identified no apparent reason this closing would:
  - Be contrary to the public interest;
  - Deprive any individual(s) owning property in the vicinity of reasonable means of ingress and egress to their property as outlined in the statutes; and
  - Be contrary to the adopted policy to preserve existing rights-of-way for connectivity.

### **Attachment(s)**

Map

Resolution

[2023-002095A - Abandonment Map](#)

[2023-002095A Resolution to Close 11.13.2023](#)

## **POLICY**

### **9. City Manager's Report**

[11.13.2023 City Manager's Memo](#)

## 10. Chapter 14 Ordinance Revisions

### **Action:**

**Approve the proposed amendments to Chapter 14 of the City Code.**

### **Staff Resource(s):**

Debbie Smith, Transportation

Lisa Flowers, City Attorney's Office

Rebecca Hefner, Housing & Neighborhood Services

### **Explanation**

- A Quality-of-Life Team (Team) was convened as an extension to the broader SAFE Charlotte initiative adopted by City Council.
- The Team consists of a group of city departments that pool resources and expertise to address issues that residents repeatedly bring to staff and Council.
- Current areas of focus are commercial truck parking, illegal parking, and litter.
- Illegal parking and truck parking emerged as top concerns for many residents who contacted their Council representative and city staff asking for action.
  - Code Enforcement and the Charlotte Department of Transportation have distributed educational windshield flyers on vehicles parked in bike lanes and illegally parked semi-trucks.
  - The Team identified opportunities to clarify ordinance language and heard from the community that current citation amounts are not enough to deter continued infractions.
- The Team reviewed city ordinance language as part of its research and found areas in Chapter 14 where text updates would provide better opportunity to manage these resident concerns and safety related issues.
- City Council received a presentation from the Quality-of-Life Team regarding the team's work and the proposed ordinance changes at their Action Review meeting on September 25, 2023.
- Public comments were received by Council on October 23, 2023.
- Chapter 14 proposed Ordinance revisions will be effective immediately upon approval.

### **Ordinance Revisions**

- Proposed revisions to the Chapter 14 ordinances as drafted will:
  - Provide clarification to terms:
    - Change "Trucks" to "Vehicles",
    - Change "drive or" to "drive, stop, stand, or park", and
    - Add Americans with Disabilities Act standards to exceptions.
  - Align definitions with North Carolina General Statutes and the Unified Development Ordinance on the following terms:
    - Commercial vehicle Light, Medium, or Large,
    - Plug-in electric vehicle, and
    - Public Bicycle Path.
  - Add illegal parking provisions for the following categories:
    - Public bicycle path,
    - Streetcar right-of-way,
    - Electric vehicle space, and
    - Loading zones.
  - Increase fines violations. These increased fines align with other serious infractions:
    - Fine increase from \$25 to \$100 for:
      - Blocking intersections,
      - Parking on sidewalks,
      - Parking in a bike lane,
      - Illegal parking on streetcar right-of-way, and
      - Illegal commercial vehicle parking.
    - Hourly citation (\$25/each hour) when a vehicle remains illegally parked in metered and time restricted spaces.

**Attachment(s)**

Proposed Ordinance Amendments

[Ch 14 Proposed Ordinance Revisions](#)

## 11. Charlotte Arts and Culture Plan

### **Action:**

**Accept the Charlotte Arts and Culture Plan to support the community vision for arts and culture in Charlotte-Mecklenburg and provide a strategic plan that residents, businesses, organizations, artists, creatives, and public officials can use to shape the community's arts and culture ecosystem and contribute to a vibrant and prosperous future for Charlotte-Mecklenburg.**

### **Staff Resource(s):**

Priya Sircar, City Manager's Office

### **Explanation**

- The Charlotte Arts and Culture Plan (The Plan) sets forth a vision that allows municipalities, funders, practitioners, and consumers to prioritize community needs around arts and culture and deploy cultural resources in the service of community.
- The Plan includes eight priorities developed through extensive community input, qualitative and quantitative research and analysis, and, guided by the Arts and Culture Advisory Board and Steering Group.
- The Plan contains four sections: methodology; philosophy and vision; priorities and strategies; and an implementation guide.
- The Plan does not prescribe specific funding amounts from entities, nor does it identify specific organizations to receive funding.
- As discussed at the October 23 Action Review, Council will discuss future arts and culture policy items, as well as allocations, methodologies, and principles at its Annual Strategy Meeting.

### **Background**

- In January 2021, Mayor Lyles charged an ad-hoc committee of City Council members with developing a policy for arts and culture.
- The Arts and Culture Ad-Hoc Committee met on February 8, 2021, to discuss how to refocus arts and culture resources to raise Charlotte's profile as a destination city and to address community challenges such as social justice, education, workforce development, and equitable access to opportunity.
- The recommendations were discussed by City Council at the March 1, 2021, Strategy Session.
- Staff provided a presentation to City Council at the March 3, 2021, Budget Workshop that included the recommendation to establish an Arts and Culture Advisory Board.
- At the June 28, 2021, City Council Business Meeting, Council approved the Arts and Culture Ad-Hoc Committee's recommendation to establish an Arts and Culture Advisory Board and an arts and culture commissioner on staff.
- The Arts and Culture Advisory Board and staff were tasked with:
  - Developing a comprehensive Arts and Culture Plan, and
  - Allocating funds to support arts, culture, and artists.
- During this process, Council has received regular updates on progress of the Charlotte Arts and Culture Plan process.
- The Charlotte Arts and Culture Plan was approved by the Arts and Culture Advisory Board on September 19, 2023, and presented to full Council during Action Review at the October 23, 2023, City Council Business Meeting.

### **Attachment(s)**

Charlotte Arts and Culture Plan

Arts and Culture Action Review Presentation (10/23/2023)

[Charlotte Arts and Culture Plan](#)

[October 23, 2023 Arts and Culture Action Review Presentation](#)

## **BUSINESS**

## 12. Anti Displacement Programming

### **Action:**

- A. Approve the use of \$5,954,152 from the Coronavirus State and Local Fiscal Recovery Fund to implement anti-displacement programming as recommended by the Neighborhood Equity and Stabilization Commission, and**
- B. Authorize the City Manager, or his designee, to execute, amend, and renew contracts as needed to complete these transactions.**

### **Committee Chair:**

Victoria Watlington, Housing, Safety, & Community Committee

### **Staff Resource(s):**

Rebecca Hefner, Housing & Neighborhood Services

### **Explanation**

- The Neighborhood Equity and Stabilization Commission (NEST Commission) has been meeting since February 2022 to fulfill their charge to review and recommend specific anti-displacement strategies and tools for protecting residents of moderate to high vulnerability of displacement.
- At the October 23, 2023 Action Review meeting, the NEST Commission provided an overview of their initial programmatic and investment recommendations. The recommendations include:
  - Create homeownership opportunities for low-to-moderate income residents through expansion of the Acquisition, Rehab and Resale Program and the House Charlotte Plus Program.
  - Establish an Accessory Dwelling Unit (ADU) program to provide affordable rental units and create income streams for low-income homeowners.
  - Provide housing rehabilitation services and tenant supports to small landlords to create safe, affordable deed-restricted rental units in rapidly changing neighborhoods.
  - Increase access to services that promote resident stability and economic mobility through resource and referral services and community partnerships.
  - Reduce barriers to programs and information through targeted outreach and communications.
  - Establish a pilot program to increase capacity for innovative shared ownership models.
- This action allocates \$5,954,152 of funding from the Coronavirus State and Local Fiscal Recovery Fund (SLFRF) provided by the American Rescue Plan Act of 2021 to implement the NEST Commission's anti-displacement recommendations to help protect residents of moderate to high vulnerability of displacement.
- SLFRF funds must be obligated by December 31, 2024, and spent by December 31, 2026. City Council may determine any future program funding through the city's annual budget process.
- The NEST Commission will continue to meet and advance additional recommendations through the remainder of their term.

### **Background**

- The NEST Commission, established for a 3-year period beginning in 2022, is charged with reviewing and recommending specific anti-displacement strategies and tools for protecting residents of moderate to high vulnerability of displacement.
- On June 5, 2023, the NEST Commission presented the Charlotte Anti-Displacement Strategy to the Housing, Safety and Community Council Committee. The strategy includes four goals (Support Residents, Strengthen Communities, Foster Inclusivity, and Empower Businesses) and builds upon the Housing Charlotte Framework, City Council priorities and key initiatives, and is inclusive of recommendations from the Charlotte Future 2040 Comprehensive Plan.
- On September 5, 2023, the NEST Commission presented a slate of initial programmatic recommendations that advance goals one, two and three of the Anti-Displacement Strategy to the Housing, Safety and Community Council Committee. The Committee voted unanimously to advance the NEST recommendations associated with the goals of the strategy to full Council for



consideration (Council member Johnson absent).

- On October 23, 2023, the NEST Commission presented the recommendations to full Council at its Action Review meeting.

**Charlotte Business INclusion**

These contracts are exempt under the CBI program.

**Fiscal Note**

Funding: American Rescue Plan Act (ARPA) Funds

**Attachment(s)**

October 23, 2023 Action Review Presentation

[Action Review Presentation - NEST Recommendations \(10.23.2023\)](#)

### 13. Corridors of Opportunity Business Opportunity Hubs

**Action:**

- A. Approve additional funding to implement recommendations associated with the Employment Study for the City’s Corridors of Opportunity, comprised of \$500,000 in project savings and \$1,000,000 in interest earned on funds from the American Rescue Plan Act Fund,**
- B. Authorize the City Manager, or his designee, to negotiate and execute contracts with the following nonprofit organizations to provide workforce development and small business support through the Corridors of Opportunity Business Opportunity Hub Program:**
- **Latin American Chamber of Commerce of Charlotte (Albemarle) (\$1,500,000)**
  - **Hispanic Contractors Association of the Carolinas (North Graham/ North Tryon) (\$730,000)**
  - **Freedom Communities (Freedom-Wilkinson) (\$599,506)**
  - **LISC Charlotte (Beatties Ford) (\$499,500)**
  - **She Built This City (Sugar Creek) (\$302,267)**
  - **The NEO Foundation (West Boulevard) (\$300,000), and**
- C. Authorize the City Manager, or his designee, to amend the contracts consistent with the purpose for which the contracts were approved,**
- D. Authorize the City Manager to negotiate and execute a contract with Schermbeck Consulting LLC dba Schermco for cohort project management for a term of three years, and**
- E. Adopt a budget ordinance appropriating \$1,000,000 in interest income from the American Rescue Plan Act Fund to the General Capital Projects Fund.**

**Staff Resource(s):**

Tracy Dodson, City Manager’s Office  
Monica Holmes, Planning, Design & Development

**Explanation**

- The Corridors of Opportunity Business Opportunity Hub Program contracts local nonprofits to establish a physical office and/or training spaces to increase access to and utilization of the city’s existing network of workforce development, career readiness, small business technical assistance, entrepreneurship support, and training resources for residents and businesses located in the six Corridors of Opportunity.
- The organizations will open and operate office and/or training space that will serve as physical hubs.
- The Opportunity Hub Program is part of the HIRE Charlotte framework and operators will provide access to the digital platform of HIRE Charlotte.
- The goal of the program is to expand access to the existing network of workforce development and small business support services to corridor residents, job seekers, small businesses and entrepreneurs located in the six Corridors of Opportunity.
- Schermbeck Consulting LLC dba Schermco will provide day-to-day project management services through the project lifetime.
- Schermco will also establish the cohort model among all hub operators. The cohort model will provide:
  - Ongoing support and resources for the operators,
  - Regular and routine communications between the hub operators,
  - Connections to workforce and small business providers across Charlotte, and
  - Uniform contract performance monitoring and impact metrics.

- Schermco's estimated annual expenses are \$157,167. The total estimated contract is estimated at \$521,300, which includes previously completed cohort application project management.
- More information regarding the recommendation for the program can also specifically be found in the Albemarle and Sugar Creek Playbook.
- The program fulfills three of the recommendations from the Employment Study for the city's Corridors of Opportunity Study by:
  - Expanding the capacity of existing high-performing nonprofits that serve Opportunity workers and integrate into the corridors or help enhance their operational presence,
  - Expanding entrepreneurship opportunities for aspiring business owners as a means for increasing wealth and diversifying household income, and
  - Supporting programs that help corridor residents overcome barriers to education, employment, and career advancement.
- On June 26, 2023, the city issued a Request for Proposals (RFP); 21 proposals were received.
- The nonprofit partners selected best meet the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- An internal panel, with external/nonprofit representatives' recommendations, evaluated proposals through a third-party project manager that worked closely with city employees to evaluate proposals based on project goals.
- The allocation is estimated to sustain the program until the end of 2026.
- Coronavirus State and Local Fiscal Recovery Funds must be obligated by December 31, 2024, and spent by December 31, 2026. City Council may determine any future program funding through the city's annual budget process.
- \$500,000 is available from project savings of completed Workforce and Economic Development projects in the Coronavirus State and Local Fiscal Recovery Fund.
- \$1,000,000 is available from collected interest on the Coronavirus State and Local Fiscal Recovery Funds. U.S Treasury guidance allows the city to keep all interest income on these funds and the interest income is not restricted by any eligible use or reporting requirements.
- These actions will not affect the remaining balance of \$2,982,500 for Workforce and Economic Development projects in the Coronavirus State and Local Fiscal Recovery Fund.

### **Background**

- On March 11, 2021, in response to the COVID-19 public health emergency, President Biden signed the American Rescue Plan Act of 2021 (ARPA), which included the Coronavirus State and Local Fiscal Recovery Fund. Charlotte was one of almost 1,000 cities across the nation that received these funds.
- On February 14, 2022, Council authorized the use of up to \$3,000,000 of ARPA funds to implement recommendations associated with the Employment Study for the City's Corridors of Opportunity.

### **Charlotte Business INClusion**

These contracts are exempt under the CBI Program.

### **Fiscal Note**

Funding: American Rescue Plan Act (ARPA) Funds

### **Attachment(s)**

Map

Project Overview

Budget Ordinance

[Map - Corridors of Opportunity Business Opportunity Hubs](#)

[Project Overview - Corridors of Opportunity Business Opportunity Hubs](#)

[Budget Ordinance - Corridors Business Hubs](#)

## 14. The Carolina Theatre

### Action:

- A. **Authorize the City Manager to negotiate and execute amendment #3 to the Carolina Theatre Purchase and Sale Agreement with the Foundation for the Carolinas to extend the completion date to December 31, 2025,**
- B. **Authorize the City Manager to negotiate and execute an amendment to the Public Private Development agreement for the restoration of the Carolina Theatre to include an additional \$2,000,000 in city funding, and**
- C. **Adopt a budget ordinance appropriating \$2,000,000 in fund balance from the Cultural Facilities Operating Fund for support of the Carolina Theatre.**

### **Staff Resource(s):**

Tracy Dodson, City Manager's Office  
Julia Martin, City Manager's Office

### **Explanation**

- In 2016, Foundation For The Carolinas (FFTC) embarked on a \$88 million renovation and restoration of Charlotte's 1927 historic Carolina Theatre. The Theatre, when complete, will seat 950 and feature lectures, symposiums, film, and entertainment offerings.
- Impacts of the Carolina Theatre include:
  - The theatre serves a regional audience and will continue to draw audiences outside Mecklenburg County.
  - The ongoing tax-revenue stream generated from the 5-star InterContinental Hotel that will be built on the property will bring annual estimated tax revenue of \$3.9 million with roughly \$362,000 in sales tax to the City of Charlotte.
  - It is one of the last remaining historic structures in uptown Charlotte. The historic nature of this property will draw visitors from across the state.
  - The historic property and the accompanying hotel will serve as part of Mecklenburg's tourism infrastructure.

### Action A

- Renovations and restoration of the Carolina Theatre has proved to be a difficult task, especially during the COVID-19 outbreak. Asbestos abatement, mitigation of groundwater contaminated underground, remediation of lead paint, partnering with a private hotel developer, and façade restoration are just some of the areas that have slowed construction.
- FFTC is requesting an amendment to the Agreement for Purchase and Sale of Real Property, to extend the required substantial completion date from December 31, 2023 to December 31, 2025.

### Actions B and C

- To date, FFTC has raised \$73,000,000 for the restoration from:
  - Corporations (\$13,000,000),
  - Foundations (\$31,550,000),
  - Individuals (\$12,000,000),
  - Federal government (\$750,000),
  - State of North Carolina (\$7,000,000),
  - Mecklenburg County (\$4,200,000), and
  - City of Charlotte (\$4,500,000).
- The restoration project is currently 70 percent complete.
- Based on increased project costs associated with delays due to the pandemic, escalating material costs, and supply chain impacts, FFTC is requesting \$2,000,000 from the City of Charlotte to go toward Carolina Theatre construction costs.

### **Background**

- On April 8, 2013, City Council adopted a resolution approving a Purchase and Sale Agreement with

- the FFTC for the Carolina Theatre site through a private sale for \$1.00, contingent upon the preservation and renovation of the theatre.
- The City of Charlotte and FFTC entered into an Agreement for Purchase and Sale of Real Property, on June 4, 2013, and then amended on April 21, 2016 for the purchase of the Carolina Theatre requiring substantial completion of the renovations be completed by December 31, 2023.
  - On July 24, 2017, a second amendment to the Purchase and Sale Agreement with FFTC was approved by City Council which allocated \$4,500,000 of Tourism affordability.

**Fiscal Note**

Funding: Cultural Facilities Operating Fund

**Attachment(s)**

Budget Ordinance

[Budget Ordinance - Carolina Theatre Support](#)

## 15. Rocky River Sanitary Trunk Sewer Reimbursable Agreement

### **Action:**

- A. Approve a five-year reimbursable agreement with 19300 Shearer Road Realty LP for construction of a portion of the Rocky River Sanitary Trunk Sewer project, and**
- B. Adopt a budget ordinance appropriating \$2,700,000 from 19300 Shearer Road Realty LP into the Charlotte Water Capital Projects Fund.**

### **Staff Resource(s):**

Angela Charles, Charlotte Water  
David Czerr, Charlotte Water  
Carl Wilson, Charlotte Water

### **Explanation**

- The agreement will include construction and project administration for a portion of the Rocky River Sanitary Trunk Sewer project in the Town of Davidson (adjacent to Council District 3).
- The project will construct sanitary sewer line from the existing Rocky River sanitary sewer and extending north along the Rocky River and will provide public sanitary sewer service for the area.
- The project is included in the Charlotte Water Capital Investment Plan (CIP).
- In accordance with the Water and Sewer Extension Policy, 19300 Shearer Road Realty LP has applied for a five-year reimbursable agreement to accelerate the project in the CIP.
- 19300 Shearer Road Realty LP will donate the design and Charlotte Water will procure the contractor for construction.
- The initial deposit required to be paid by the applicant is ten percent of the estimated total eligible cost or \$2,700,000.
- In accordance with the Water and Sewer Extension Policy, 19300 Shearer Road Realty LP will be reimbursed 93.1 percent of the total eligible project costs in five equal annual payments starting one year after completion of construction.

### **Charlotte Business INclusion**

The city will negotiate a MWSBE goal for Infrastructure Reimbursement Agreement Contract as the scopes of work are defined for design and construction services.

### **Fiscal Note**

Funding: Charlotte Water Capital Investment Plan

### **Attachment(s)**

Map  
Budget Ordinance

[Map-Rocky River Sanitary Trunk Sewer Reimbursable Agreement](#)

[Budget Ordinance-Rocky River Sanitary Trunk Sewer Reimbursable Agreement](#)

## 16. Adopt a Resolution Supporting a North Carolina Department of Transportation Safety Project

**Action:**

Adopt a resolution supporting a safety project on East W.T. Harris Boulevard at Delta Crossing Lane to improve traffic safety in support of the Strategic Mobility Plan.

**Staff Resource(s):**

Debbie Smith, Transportation

David Smith, Transportation

**Explanation**

- The North Carolina Department of Transportation (NCDOT) has conducted an evaluation of crash history at the intersection of East W.T. Harris Boulevard (NC 24) and Delta Crossing Lane.
- The evaluation revealed a history of crashes for vehicles exiting Delta Crossing Lane.
- NCDOT has proposed the installation of concrete medians on East W.T. Harris Boulevard at Delta Crossing Lane to redirect left turns from Delta Crossing Lane.
- Vehicles wishing to turn left have a convenient U-turn opportunity approximately a third of a mile to the south.
- NCDOT will fully fund the cost of these improvements.
- A resolution of support is required for the use of NCDOT Highway Safety Improvement Project funding.
- The project supports the Strategic Mobility Plan, adopted by Council in June 2022, by advancing a safe transportation system for all users.
- The intersection is located in Council District 5.

**Fiscal Note**

Funding: NCDOT Funding

**Attachment(s)**

Map

Resolution

[E WT Harris Blvd Delta Crossing Lane Concept](#)

[NCDOT Safety Project Resolution - Delta Crossing Lane at WT Harris](#)

## 17. Municipal Agreement for Intersection Modifications at Sunset Road and Milhaven Lane

### Action:

- A. **Adopt a resolution authorizing the City Manager to execute a Municipal Agreement with the North Carolina Department of Transportation in the amount of \$86,500, and**
- B. **Adopt a budget ordinance appropriating \$86,500 from the North Carolina Department of Transportation in the General Capital Projects Fund for intersection improvements at Sunset Road and Milhaven Lane.**

### **Staff Resource(s):**

Debbie Smith, Transportation  
David Smith, Transportation  
Nathan Conard, Transportation

### **Explanation**

- The Charlotte Department of Transportation (CDOT) operates and maintains a transportation system that includes traffic signals and supporting infrastructure to manage traffic operations throughout the city.
- CDOT maintains traffic signals at over 900 intersections across the city, many of which are located on state-maintained roadways.
- The intersection of Sunset Road and Milhaven Lane in Council District 2 is currently signalized but does not include pedestrian signals and crosswalks on all approaches.
- The North Carolina Department of Transportation (NCDOT) analyzed traffic at this intersection and approved funding the installation of a crosswalk and associated infrastructure on the east leg of Sunset Road that would complete the pedestrian crossing accommodations at this intersection.
- The agreement is necessary to formalize NCDOT's authorization and funding contribution to the work CDOT performs on state-maintained roadways.
- The format is consistent with past Municipal Agreements between the city and NCDOT.

### **Charlotte Business INClusion**

This is a Municipal Agreement contract and is exempt from the CBI Program.

### **Fiscal Note**

Funding: NCDOT Funding

### **Attachment(s)**

Map  
Resolution  
Budget Ordinance

[Map - Sunset Rd and Milhaven Ln](#)

[Resolution - Sunset Rd and Milhaven Ln](#)

[Budget Ordinance - Sunset Rd and Milhaven Ln](#)



## 18. Municipal Agreement for Intersection Modifications at Mulberry Church Road and Queen City Drive

### Action:

- A. **Adopt a resolution authorizing the City Manager to execute a Municipal Agreement with the North Carolina Department of Transportation in the amount of \$45,000, and**
  
- B. **Adopt a budget ordinance appropriating \$45,000 from the North Carolina Department of Transportation in the General Capital Projects Fund for intersection improvements at Mulberry Church Road and Queen City Drive.**

### **Staff Resource(s):**

Debbie Smith, Transportation  
David Smith, Transportation  
Nathan Conard, Transportation

### **Explanation**

- The Charlotte Department of Transportation (CDOT) operates and maintains a transportation system that includes traffic signals and supporting infrastructure to manage traffic operations throughout the city.
- CDOT maintains traffic signals at over 900 intersections across the city, many of which are located on state-maintained roadways.
- The intersection of Mulberry Church Road and Queen City Drive in Council District 3 is currently signalized but does not include left turn lanes.
- The North Carolina Department of Transportation (NCDOT) analyzed traffic at this intersection and approved funding the addition of left turn lanes and associated left turn traffic signals on both Mulberry Church Road approaches.
- The agreement is necessary to formalize NCDOT's authorization and funding contribution to the work CDOT performs on state-maintained roadways.
- The format is consistent with past Municipal Agreements between the city and NCDOT.

### **Charlotte Business INclusion**

This is a Municipal Agreement contract and is exempt from the CBI Program.

### **Fiscal Note**

Funding: NCDOT Funding

### **Attachment(s)**

Map  
Resolution  
Budget Ordinance

[Map - Mulberry Church Rd and Queen City Dr](#)

[Resolution - Mulberry Church Rd and Queen City Dr](#)

[Budget Ordinance - Mulberry Church Rd and Queen City Dr](#)

## CONSENT

### 19. Cooperative Purchasing Contracts for Vehicles and Equipment

**Action:**

- A. Approve the purchase of vehicles and equipment from cooperative contracts,
- B. Approve unit price contracts with the following vendors for the purchase of vehicles and equipment for a term of one year under the North Carolina Sheriff's Association (NCSA):
- Carolina Industrial Equipment LLC (NCSA contract # 24-08-0421),
  - Ilderton Dodge Chrysler Jeep Ram, LLC (NCSA contracts # 22-08-0913RR and # 24-1-0912),
  - Modern Nissan (NCSA contract # 22-08-0913RR),
  - Modern Toyota Scion (NCSA contract # 22-08-0913RR),
  - Parks Ford (NCSA contract # 24-10-0912),
  - Tesla, Inc (NCSA contract # 24-10-0912),
- C. Authorize the City Manager to extend the contracts for additional terms as long as the cooperative contracts are in effect, at prices and terms that are the same or more favorable than those offered under the cooperative contracts.

**Staff Resource(s):**

Phil Reiger, General Services  
Marcy Mars, General Services  
Chris Trull, General Services

**Explanation**

- City vehicles and equipment are assessed on an annual basis to determine replacement needs based on a rating of vehicle usage, age, maintenance costs, and condition.
- Purchased vehicles and equipment include electric vehicles, light duty pickup trucks, vans, and utility vehicles.
- NC General Statute Section 143-129(e)(3) allows local governments to purchase from formally organized cooperative purchasing contracts.
- A cooperative purchasing agreement results from the consolidation and competitive solicitation of multiple public agency requirements. By aggregating common needs all agencies are able to leverage economies of scale, such as volume discounts, improved terms and conditions, reduced administrative costs, and access to professional and technical expertise.
- Annual expenditures are estimated to be \$2,350,000.

**Charlotte Business INclusion**

These are cooperative purchasing contracts and are exempt from the CBI Program.

**Fiscal Note**

Funding: General and Enterprise Capital Equipment Funds

## 20. Construct Pebblestone Drive Storm Drainage Improvement Project

### **Action:**

- A. Reject the low-bid submitted by Onsite Development, LLC. for the Pebblestone Drive Storm Drainage Improvement Project,**
- B. Approve a contract in the amount of \$1,692,421.65 to the lowest responsive bidder Zoladz Construction Co., Inc. for the Pebblestone Drive Storm Drainage Improvement Project, and**
- C. Authorize the City Manager to amend the contracts consistent with the purpose for which the contracts were approved.**

### **Staff Resource(s):**

Angela Charles, Charlotte Water  
Mike Davis, Storm Water Services  
Matt Gustis, Storm Water Services

### **Explanation**

- The project will improve aging infrastructure in the McAlpine Creek watershed along Creekridge Road, in District 6.
- Construction will include the installation of stream enhancement, retaining walls, water/sanitary sewer, curb, and gutter.
- On August 24, 2023, the city issued an Invitation to Bid; three bids were received.
- Zoladz Construction Co., Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by fourth quarter of 2024.
- The low bid submitted by Onsite Development, LLC. was found not to be responsible for this bid.

### **Charlotte Business INclusion**

Established MBE Goal: 5.00%

Committed MBE Goal: 5.00%

Zoladz Construction Co., Inc. met the established subcontracting goal and has committed approximately 5.00% (\$84,600) of the contract amount to the following certified firms:

- Diamond Trucking of NC, Inc. (MBE, SBE) (\$84,600) (hauling)

Established WBE Goal: 4.00%

Committed WBE Goal: 4.00%

Zoladz Construction Co., Inc. met the established subcontracting goal and has committed approximately 4.00% (\$67,690) of the contract amount to the following certified firms:

- Trull Contracting, LLC (SBE, WBE) (\$57,200) (concrete, asphalt)
- Pentacle, Inc. (SBE, WBE) (\$10,490) (fencing)

### **Fiscal Note**

Funding: Storm Water Capital Investment Plan

[15-21202 Construct Pebblestone Drive Storm Drainage Improvement Project](#)

## 21. Construct Storm Drainage Improvement Projects

### Action:

- A. Approve a contract in the amount of \$2,746,696.70 to the lowest responsive bidder Zoladz Construction Co., Inc. for the Collective Storm Drainage Improvement Project - Series AB, and**
- B. Authorize the City Manager to amend the contracts consistent with the purpose for which the contracts were approved.**

### **Staff Resource(s):**

Angela Charles, Charlotte Water  
Mike Davis, Storm Water Services  
Logan Oliver, Storm Water Services

### **Explanation**

- The contract is part of an ongoing program to provide repairs and/or improvements to storm drainage systems.
- The contract will address storm drainage systems at:
  - 4323 La Brea Drive (Council District 2)
  - 4625 Colony Road (Council District 6)
  - 7944 Rolling Creek Court (Council District 6)
  - 923 Kings Drive (Council Districts 1 and 6)
- On September 18, 2023, the city issued an Invitation to Bid; four bids were received.
- Zoladz Construction Co., Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by first quarter of 2025.

### **Charlotte Business INclusion**

Established MBE Goal: 7.00%

Committed MBE Goal: 7.00%

Zoladz Construction Co., Inc. met the established subcontracting goal and has committed approximately 7.00% (\$192,300) of the contract amount to the following certified firm:

- Diamond Trucking of NC, Inc. (MBE, SBE) (\$192,300) (hauling)

Established WBE Goal: 4.00%

Committed WBE Goal: 4.00%

Zoladz Construction Co., Inc. met the established subcontracting goal and has committed approximately 4.00% (\$109,900) of the contract amount to the following certified firms:

- Trull Contracting, LLC (SBE, WBE) (\$70,900) (concrete, asphalt)
- On Time Construction, Inc. (SBE, WBE) (\$25,000) (masonry, CIP concrete)
- Pentacle, Inc. (SBE, WBE) (\$14,000) (fencing)

### **Fiscal Note**

Funding: Storm Water Capital Investment Plan

## 22. Engineering Services for Magnolia/Winthrop Storm Drainage Improvement Project

### **Action:**

- A. Approve a contract amendment #1 for \$380,000 to the contract with The John R. McAdams Company for the Magnolia/Winthrop Storm Drainage Improvement Project, and**
- B. Authorize the City Manager to amend the contracts consistent with the purpose for which the contracts were approved.**

### **Staff Resource(s):**

Angela Charles, Charlotte Water  
Mike Davis, Storm Water Services  
Matt Gustis, Storm Water Services

### **Explanation**

- On August 27, 2021, the city entered into a professional engineering services contract with The John R. McAdams Company, to provide planning and preliminary design services for the Magnolia/Winthrop Storm Drainage Improvement Project in Council District 1.
- The contract amendment will add design and construction phase administration services.
- Specific design and construction administration tasks include, but are not limited to:
  - Design of repairs and/or improvements;
  - Survey and utility locate services;
  - Geotechnical subsurface investigations;
  - Preparation of construction documents;
  - Construction administration; and
  - Public outreach activities.
- The new total value of the contract is \$730,000.

### **Charlotte Business INClusion**

The city negotiates contract participation after the proposal selection process. All additional work involved in this Amendment will be performed by The John R. McAdams Company and their existing subconsultants. The John R. McAdams Company has committed 18.06% (\$68,624) of the total contract Amendment to the following certified firms:

- John Davenport Engineering Inc. dba Davenport (MBE) (\$46,065) (traffic control design services)
- Froehling & Robertson, Inc. (MBE) (\$13,449) (subsurface exploration, geotechnical evaluation)
- Barry Lambert Engineering, PC (SBE) (\$9,110) (structural engineering design services)

### **Fiscal Note**

Funding: Storm Water Capital Investment Plan

### **Attachment(s)**

Map

[Map](#)

## 23. Engineering Service for the Franklin Water Treatment Plant Residuals Improvement Project

**Action:**

**Approve a contract for up to \$1,933,400 with Hazen and Sawyer for engineering services for the Franklin Water Treatment Plant Residuals Improvement project.**

**Staff Resource(s):**

Angela Charles, Charlotte Water

David Czerr, Charlotte Water

Carl Wilson, Charlotte Water

**Explanation:**

- The contract provides planning and design; construction drawings and specifications; and, as applicable, construction management for the Franklin Water Treatment Plant Residuals Improvement project.
- The project will construct infrastructure to increase the reliability of residuals treatment.
- On August 3, 2023, the city issued a Request for Qualifications (RFQ); three proposals were received.
- Hazen and Sawyer is the best qualified firm to meet the city's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- The project is anticipated to be complete by second quarter 2027.

**Charlotte Business INclusion:**

The city negotiates subcontracting participation after the proposal selection process. Hazen and Sawyer has committed 12.12% (\$234,380) of the total contract amount to the following certified firm(s):

- Crittek Engineering Group, P.C. (MBE, SBE) (\$82,000) (land design, permitting)
- Sweetwater Utility Exploration (SBE, WBE) (\$61,600) (subsurface utility locating)
- CES Group Engineers, LLP (WBE) (\$47,500) (surveying)
- Froehling and Robertson, Inc. (MBE) (\$39,780) (geotechnical engineering)
- Mid-Carolina Reprographics (SBE) (\$3,500) (printing and reprographics)

**Fiscal Note**

Funding: Charlotte Water Capital Investment Plan

## 24. Little Hope Creek Tributary Sanitary Sewer Construction

### **Action:**

**Approve a guaranteed maximum price of \$8,310,505.02 to Park Construction of North Carolina, Inc. for Design-Build construction services for the Little Hope Creek Tributary - Madison Park and Collingwood Segment Sanitary Sewer Improvement project.**

### **Staff Resource(s):**

Angela Charles, Charlotte Water

David Czerr, Charlotte Water

Carl Wilson, Charlotte Water

### **Explanation**

- Park Construction of North Carolina, Inc. has developed a guaranteed maximum price for construction of the Little Hope Creek Wastewater Improvement project. The construction will upsize the existing sanitary sewer line to increase capacity in the Little Hope Creek Basin (Council Districts 1 and 6).
- On November 26, 2018, City Council approved a contract with Park Construction of North Carolina, Inc. for Design-Build design services.
- The final project segment is anticipated to be complete by fourth quarter 2025.

### **Charlotte Business INclusion**

The city negotiates subcontracting participation for Design-Build contracts after scopes of work are defined for construction services. Park Construction of North Carolina, Inc. has committed \$990,498 or 11.92% of the total contract for construction services to the following certified firms:

- AMP Utility Distribution Services, LLC (SBE, WBE) (\$491,751) (furnishing of ductile iron pipe, pvc pipe, and concrete manholes)
- Asphalt Services on Demand, Inc. (WBE) (\$288,950) (asphalt paving)
- Capstone Civil Engineering, Inc. (MBE, SBE) (\$135,000) (geotechnical and environmental services)
- Tidemark Land Services (SBE) (\$74,797) (surveying, as-built drawings, and easement mapping)

### **Fiscal Note**

Funding: Charlotte Water Capital Investment Plan

### **Attachment(s)**

Map

[Map-Little Hope Creek Tributary Sanitary Sewer Construction](#)

## 25. Water and Sanitary Sewer Main Construction

### Action:

- A. **Approve unit price contract 1 in the amount of \$10,511,301.00 to the lowest responsive bidder R.H. Price, Inc. for water and sanitary sewer main construction,**
- B. **Approve unit price contract 2 in the amount of \$5,874,958.10 to the lowest responsive bidder R.H. Price, Inc. for water and sanitary sewer main construction, and**
- C. **Approve unit price contract 3 in the amount of \$6,282,653.10 to the lowest responsive bidder R.H. Price, Inc. for water and sanitary sewer main construction.**

### **Staff Resource(s):**

Angela Charles, Charlotte Water  
David Czerr, Charlotte Water  
Keri Cantrell, Charlotte Water

### **Explanation**

- These contracts will provide for new water and sanitary sewer main construction throughout the Charlotte Water service area.
- Contract 1 differs from Contract 2 and 3, as it has the higher dollar capacity to address larger infrastructure needs of the projects that enter into construction. This includes the capability of completing limited capacity sewer restriction projects (undersized sewers that need to be upsized to meet the needs of growth), and water reliability projects (water system resiliency).
- Contracts 2 and 3 are intentionally smaller in dollar value to increase competition opportunities and focus on smaller-sized projects that enter into construction.

### Action A

- On August 15, 2023, the city issued an Invitation to Bid (ITB); two bids were received.
  - NC General Statute Section 143-132 prohibits municipalities from awarding construction contracts over \$500,000 without receiving at least three competitive bids from the initial advertisement of the contract. The city may subsequently award the contract even if re-advertisements result in fewer than three competitive bids.
- On September 19, 2023, the ITB was re-issued; two bids were received.
- R.H. Price, Inc. was selected as the lowest responsive, responsible bidder.

### Action B

- On August 17, 2023, the city issued an ITB; four bids were received.
- R.H. Price, Inc. was selected as the lowest responsive, responsible bidder.

### Action C

- On August 17, 2023, the city issued an ITB; four bids were received.
- R.H. Price, Inc. was selected as the lowest responsive, responsible bidder.

### **Charlotte Business INclusion**

#### Action A

Established MWBE Goal: 6.00%

Committed MWBE Goal: 6.00%

R.H. Price, Inc. met the established subcontracting goal and has committed approximately 6.00% (\$631,000) of the contract amount to the following certified firms:

- Trull Contracting, LLC (SBE, WBE) (\$315,500) (asphalt paving)
- Uniforce Construction Corporation (MBE, SBE) (\$315,500) (pipe installations)

#### Action B

Established MWBE Goal: 6.00%

Committed MWBE Goal: 6.04%

R.H. Price, Inc. met the established subcontracting goal and has committed approximately 6.04% (\$355,000) of the contract amount to the following certified firms:



- Trull Contracting, LLC (SBE, WBE) (\$177,500) (asphalt paving)
- Uniforce Construction Corporation (MBE, SBE) (\$177,500) (pipe installations)

Action C

Established MWBE Goal: 6.00%

Committed MWBE Goal: 6.05%

R.H. Price, Inc. met the established subcontracting goal and has committed approximately 6.05% (\$380,000) of the contract amount to the following certified firms:

- Trull Contracting, LLC (SBE, WBE) (\$190,000) (asphalt paving)
- Uniforce Construction Corporation (MBE, SBE) (\$190,000) (pipe installations)

**Fiscal Note**

Funding: Charlotte Water Capital Investment Plan

## 26. LYNX Blue Line Professional Services Contract Amendments

### Action:

- A. **Approve contract amendment #12 for \$1,715,889 to the contract with STV Engineers, Inc. for Professional Services,**
- B. **Approve contract amendment #13 for \$1,536,105 to the contract with HNTB North Carolina PC for Professional Services, and**
- C. **Authorize the City Manager to amend the contracts consistent with the purpose for which the contracts and these amendments were approved.**

### **Staff Resource(s):**

Brent Cagle, CATS  
Kelly Goforth, CATS

### **Explanation**

- The Blue Line Extension (BLE) successfully opened for revenue service in March 2018, on schedule and under budget. On June 2, 2021, FTA approved the use of cost savings from the BLE project for the following additional projects along the Blue Line and Blue Line Extension (Council Districts 1, 3, and 4):
  - Drainage Improvements
  - Operator Comfort Stations
  - Signal Improvements to address Electromagnetic Interference
  - Egress Gates at stations along N. Tryon Street
- STV Engineers, Inc. (STV) provided design and construction administration services and HNTB North Carolina PC (HNTB) provided construction management services for the BLE. These amendments will allow CATS to continue to use these existing contracts to complete the related projects listed above.
- The new contract value, including this amendment, is \$57,493,879 for STV and \$83,800,611 for HNTB, which is within the current approved BLE project budget.
- The projects are anticipated to be complete by the end of 2026.

### **Disadvantaged Business Enterprise**

All additional work involved with these amendments will be performed by STV Engineer's Inc., HNTB North Carolina PC, and their existing sub-consultant(s)/subcontractor(s).

### **Fiscal Note**

Funding: CATS Capital Investment Plan

### **Attachment(s)**

Contract Amendment History

[STV Contract Amendment History](#)

[HNTB Contract Amendment History](#)

## 27. LYNX Blue Line Rail Car Engineering Services

### Action:

- A. Approve a contract with Hatch Engineering for Light Rail Vehicle engineering services for a term of five years, and**
- B. Authorize the City Manager to renew the contract for one, three-year term and to amend the contract consistent with the purpose for which the purpose for which the contract was approved.**

### **Staff Resource(s):**

Brent Cagle, CATS

Victoria Johnson, CATS

### **Explanation**

- Contracted engineering services are needed for required vehicle overhauls to maintain the city's light rail fleet and ensure reliability.
- The contract will support existing CATS maintenance staff by providing engineering expertise to perform incremental overhauls of significant components and sub-components and midlife overhauls, all of which ensure vehicle reliability and meet the "original" manufacture equipment requirements.
- The work to be performed under this contract will include:
  - Providing all necessary engineering services for the overhaul of the existing fleet,
  - Preparing and providing vehicle overhaul technical specifications,
  - Addressing issues that arise during technical assessments,
  - Providing onsite and quality assurance before, during, and after the actual overhaul, and
  - Providing engineering support, quality oversight with the component, system warranties, and reliability issues.
- On August 14, 2023, the city issued a Request for Qualifications (RFQ) for Light Rail Vehicle Engineering Services; two proposals were received.
- Hatch Engineering best meets the city's needs in terms of qualifications, experience, cost, and responsiveness to RFQ requirements.
- Annual expenditures are estimated to be \$425,000.

### **Disadvantaged Business Enterprise**

The city negotiates contract participation after the proposal selection process. Hatch has identified the following certified firm(s) to be utilized as the project evolves:

- RBC Professionals, Inc (DBE) (pre-shipment inspections)
- Virginkar & Associates, Inc. (DBE) (LRV inspections)

### **Fiscal Note**

Funding: CATS Capital Investment Plan

## 28. Airport Architectural Consultation Services

### **Action:**

**Approve contracts for architectural consultation services with the following vendors for a four-year term:**

- **The Wilson Group Architects, PA.,**
- **RS&H Architects Engineers Planners, Inc.,**
- **C Design Inc.,**
- **GS-NC, PC,**
- **Passero Associates, Inc.,**
- **Gensler Architecture Design & Planning PC, and**
- **Hellmuth, Obata & Kassabaum, P.C.**

### **Staff Resource(s):**

Haley Gentry, Aviation

Jack Christine, Aviation

### **Explanation**

- Aviation requires architectural consultation and programming services for terminal, cargo, and all ancillary airport facilities.
- On July 24, 2023, the city issued a Request for Qualifications; ten proposals were received.
- The firms selected best meet the city's needs in terms of qualifications, experience and responsiveness to RFQ requirements.
- Pricing for these services will be based on the size and nature of the project.
- Total annual expenditures are estimated to be \$2,000,000.

### **Charlotte Business INclusion**

The city negotiates contract participation after the proposal selection process. The specific tasks and contract opportunities associated with this contract are undefined; however, each Prime consultant has identified certified firm(s) to be utilized:

#### The Wilson Group Architects, PA.

- Hartranft Lighting Design, LLC (WBE, SBE) (lighting design)
- Stewart Engineering, Inc (MBE) (structural engineering)

#### RS&H Architects Engineers Planners, Inc.

- AME Consulting Engineers, PC (SBE) (telecommunications engineering)
- High Performance Building Solutions Inc. (WBE, SBE) (building commissioning)
- Capstone Civil Engineering, Inc. (MBE, SBE) (geotechnical services)
- Richa Inc (MBE, SBE) (graphics, 3D visualizations & modeling)
- Sikesdesign, PLLC (SBE) (landscape architecture)
- CES Group Engineers, LLP (WBE) (survey, utility location, condition assessments)
- Sweetwater Utility Exploration, LLC (SBE, WBE) (utility location, condition assessments)

#### C Design Inc.

- AME Consulting Engineers, PC (SBE) (telecommunications engineering)

#### GS-NC, PC

- Carolinas Geotech Group (SBE) (geotechnical engineering)

#### Passero Associates, Inc.

- Integra Architecture, PLLC (MBE, SBE) (architecture)
- SAMR PLLC (MBE) (infrastructure & commissioning)
- Wescott Structures, PA (WBE, SBE) (structural engineering)

Gensler Architecture Design & Planning PC

- CES Group Engineers, LLP (WBE) (survey, utility location, condition assessments)
- Quality Consulting Engineers (SBE) (electrical engineering, security/IT support)
- Shultz Engineering Group (SBE) (mechanical engineering, plumbing support)
- Lynch Mykins Structural Engineers PC (WBE) (structural engineering)
- On-Spec Engineering (SBE) (geotechnical engineering)

Hellmuth, Obata & Kassabaum, P.C.

- Neighboring Concepts, PLLC (MBE) (architecture)
- Lynch Mykins Structural Engineers PC (WBE) (structural engineering)

**Disadvantaged Business Enterprise**

The Federal DBE program does not require a DBE goal for all On-Call Contracts. DBE goals will be negotiated per task order. Aviation will monitor goal achievement throughout the life of the contracts. The following certified firm(s) have been identified to be utilized as the project evolves:

The Wilson Group Architects

- Kelly Taaffe Design (DBE) (terrazzo specialist)
- Hartranft Lighting Design, LLC (DBE) (lighting design)

RS&H Architects Engineers Planners Inc.

- Capstone Civil Group, Inc. (DBE) (geotechnical services)
- CES Group Engineers, LLP (DBE) (surveying, utility location & condition assessments)
- Connico, LLC (DBE) (cost estimating)
- Kelly Taaffe Design (DBE) (terrazzo specialist)

C Design, Inc.

- Kelly Taaffe Design (DBE) (terrazzo specialist)

GS-NC, PC

- Connico, LLC (DBE) (cost estimating)
- TransSolutions, LLC (DBE) (passenger throughput modeling)

Passero Associates, Inc.

- Apple Designs (DBE) (wayfinding, signage, and graphic design)
- SAMR PLLC (DBE) (infrastructure and commissioning)
- Wescott Structures (DBE) (structural engineering)

Gensler Architecture Design & Planning PC

- Connico, LLC (DBE) (cost estimating)
- Lynch Mykins Structural Engineers, PC (DBE) (structural engineering support)
- On-Spec Engineers (DBE) (geotechnical engineering)
- CES Group Engineers, LLP (DBE) (surveying, utility location & condition assessments)

Hellmuth, Obata & Kassabaum, P.C.

- Lynch Mykins Structural Engineers, PC (DBE) (structural engineering support)
- Neighboring Concepts (DBE) (architectural services)
- Connico, LLC (DBE) (cost estimating)
- TransSolutions, LLC (DBE) (passenger throughput modeling)
- Kelly Taaffe Design (DBE) (terrazzo specialist)

**Fiscal Note**

Funding: Aviation Capital Investment Plan

## 29. Airport Boarding Pass and Bag Tag Stock

### Action:

- A. **Approve the purchase of Passenger Boarding Passes and Bag Tag paper stock by the sole source exemption,**
- B. **Approve a unit price contract with Ryan Peterson Mang dba Vidtronix Ticket and Label LLC for the purchase of Passenger Boarding Passes and Bag Tags for a term of five years, and**
- C. **Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.**

### **Staff Resource(s):**

Haley Gentry, Aviation

Mike Hill, Aviation

### **Sole Source Exemption**

- NC General Statute Section 143-129(e)(6) provides that formal bidding requirements do not apply when:
  - Performance or price competition are not available;
  - A needed product is available from only one source or supply; or
  - Standardization or compatibility is the overriding consideration.
- Sole sourcing is necessary for this contract because compatibility is the overriding consideration.
- City Council approval is required for any purchases made under the sole source exception.

### **Explanation**

- On January 12, 2015, the City Council approved an agreement with Air-Transport IT Services, Inc. to implement and provide a common use gate management system at Charlotte Douglas International Airport.
- The system allows airlines to share gates and ticket counters using the same equipment. This equipment requires the purchase of specialized paper supplies for boarding passes, bag tags, and kiosk paper.
- Ryan Peterson Mang dba Vidtronix Ticket and Label LLC is the manufacturer of the printers used at Charlotte Douglas International Airport to print boarding passes and bag tags. This vendor also manufactures the specialized blank stock used by those printers.
- Annual expenditures are estimated to be \$225,000.

### **Charlotte Business INclusion**

This is a sole source contract and is exempt from the CBI Program.

### **Fiscal Note**

Funding: Aviation Operating Budget

## 30. Bond Issuance Approval for Union at Tryon

### **Action:**

**Adopt a resolution granting INLIVIAN's request to issue new multi-family housing revenue bonds, in an amount not to exceed \$5,000,000, to finance the development of an affordable housing development known as Union at Tryon.**

### **Staff Resource(s):**

Rebecca Hefner, Housing & Neighborhood Services  
Warren Wooten, Housing & Neighborhood Services

### **Explanation**

- This action does not obligate the city financially or impact the Capital Investment Plan and is requested to satisfy Section 147(f) of the Internal Revenue Service Code of 1986, which requires the issuance of housing bonds to be approved by the local governmental unit with jurisdiction over the area where the development is located.
- INLIVIAN is requesting that City Council adopt a resolution authorizing the issuance of new multi-family housing revenue bonds for Union at Tryon, a 200-unit new construction multi-family affordable housing development to be developed, owned, and operated by Union at Tryon, LP, an Indiana limited partnership, or an affiliated or related entity.
- The development is located on approximately 7.52 acres at Hampton Church Road and Shopping Center Drive (parcel identification number 049-401-06) in Council District 4 and will serve households earning 60 percent and below the Area Median Income. The development is currently under construction and is projected to be completed in early 2025.
- The new INLIVIAN bonds, not to exceed \$5,000,000, will be used to finance the construction of the development.
- This action further supports City Council's April 24, 2023 approval of \$3,800,000 Housing Trust Fund gap financing support.

### **Background**

- The developer applied for four percent low-income housing tax credits and a housing bond allocation capacity from the North Carolina Housing Finance Agency (NCHFA) to finance the land acquisition and construction of the development. Tax credit and bond allocations are subject to federal income limits and set-aside rules and include deed restrictions.
- The NCHFA approved the four percent tax credits and an original bond allocation capacity totaling \$20,800,000 for the development. City Council approved INLIVIAN's initial \$20,800,000 bond issuance on June 13, 2022.
- Due to cost escalations, the developer applied for a \$3,800,000 Housing Trust Fund allocation in 2023, and an additional \$5,000,000 bond allocation from the NCHFA which has been approved by the NCHFA.
- INLIVIAN, as a public housing authority, is duly authorized to issue housing bonds to finance developments that serve persons of low and moderate income, including developments in which it does not have a direct interest. The INLIVIAN board of directors approved the issuance of the new multi-family housing revenue bonds on February 21, 2023.

### **Attachment(s)**

City of Charlotte Resolution - Union at Tryon  
Map

[Bond Resolution Union at Tryon](#)

[Map Union at Tryon](#)

## 31. Resolution of Intent to Abandon a Portion of Public Right-of-Way Adjacent to Hive Drive

### **Action:**

- A. Adopt a Resolution of Intent to abandon a Portion of Public Right-of-Way Adjacent to Hive Drive, and**
  
- B. Set a Public Hearing for December 11, 2023.**

### **Staff Resource(s):**

Debbie Smith, Transportation

Casey Mashburn, Transportation

### **Explanation**

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition signed by the adjacent property owner to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property. The land will be distributed proportionally between adjacent property owners in accordance with North Carolina General Statute 160A-299.
- The right-of-way is located in Council District 3.

### **Petitioners**

TM BTR of Carolinas, LLC

### **Attachment(s)**

Map

Resolution

[2023-003078A - Abandonment Map](#)

[2022-003078A Resolution of Intent 11.13.2023](#)



## 32. Resolution of Intent to Abandon an Unopened Portion of Right-of-Way off Reston Road

### **Action:**

- A. Adopt a Resolution of Intent to abandon an Unopened Portion of Right-of-Way off Reston Road, and**
- B. Set a Public Hearing for December 11, 2023.**

### **Staff Resource(s):**

Debbie Smith, Transportation

Casey Mashburn, Transportation

### **Explanation**

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition signed by the adjacent property owners to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property. The land will be distributed proportionally between adjacent property owners in accordance with North Carolina General Statute 160A-299.
- The right-of-way is located in Council District 3.

### **Petitioners**

Michael C. Cooper

### **Attachment(s)**

Map

Resolution

[2023-002973A - Abandonment Map](#)

[2023-002973A Resolution of Intent 11.13.2023](#)

## CONSENT - PROPERTY TRANSACTIONS

### 33. Property Transactions - 8701 Highland Ridge Lane, Parcel # 2

**Action:** Approve the following Condemnation: 8701 Highland Ridge Lane, Parcel # 2

**Project:** 8701 Highland Ridge Lane, Parcel # 2

**Program:** 8701 Highland Ridge Lane

**Owner(s):** Bettina Sweet Hill and James Milton Hill

**Property Address:** 8700 Highland Ridge Lane

**Total Parcel Area:** 18,508 sq. ft. (0.425 ac.)

**Property to be acquired by Easements:** 1,260 sq. ft. (0.029 ac.) Storm Drainage Easement and 307 sq. ft. (0.007 ac.) Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** None

**Zoned:** R-9PUD

**Use:** Planned Unit Development

**Parcel Identification Number:** 025-212-13

<https://polaris3g.mecklenburgcountync.gov/#mat=207637&pid=02521213&gisid=02521213>

**Appraised Value:** \$225

**Property Owner's Concerns:** The property owner is concerned about the easement language and the city is unable to reach an agreement with the property owner.

**City's Response to Property Owner's Concerns:** City staff met with the property owner to address their concerns. The city presented an offer and has not received a response, the city has been unable to contact the property owner since January of 2023.

**Recommendation:** The recommendation is to proceed to condemnation during which time negotiations can continue, mediation is available, and if necessary, just compensation can be determined by the court.

**Council District:** 4

**Attachment(s):** Map

[Map - 8701 Highland Ridge Lane, Parcel # 2](#)

## 34. Property Transactions - Bryant Farms Road Extension, Phase 1, Parcel # 9

**Action:** Approve the following Condemnation: Bryant Farms Road Extension, Phase 1, Parcel # 9

**Project:** Bryant Farms Road Extension, Phase 1, Parcel # 9

**Program:** Bryant Farms Road Extension, Phase 1

**Owner(s):** Raeburn Homeowners Association, Inc.

**Property Address:** 12049 Parks Farm Lane

**Total Parcel Area:** 243,968 sq. ft. (5.601 ac.)

**Property to be acquired by Fee Simple:** 2,617 sq. ft. (0.060 ac.) Fee Simple Outside of Existing Right-of-Way

**Property to be acquired by Easements:** 2,905 sq. ft. (0.067 ac.) Sanitary Sewer Easement and 13,869 sq. ft. (0.318 ac.) Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** Trees and various plantings

**Zoned:** N1-A

**Use:** Neighborhood 1 Zoning District

**Parcel Identification Number:** 229-211-63

<https://polaris3g.mecklenburgcountync.gov/#pid=22921163&qsid=22921163>

**Appraised Value:** \$55,475

**Property Owner's Concerns:** None.

**City's Response to Property Owner's Concerns:** The HOA's Board of Directors cannot sign independently of a three-quarter membership vote, however, the property owner has agreed to the city's offer.

**Recommendation:** The recommendation is to proceed to condemnation during which time negotiations can continue, mediation is available, and if necessary, just compensation can be determined by the court.

**Council District:** 7

**Attachment(s):** Map

[Map - Bryant Farms Road Extension, Phase 1, Parcel # 9](#)

## 35. Property Transactions - Bryant Farms Road Extension, Phase 1, Parcel # 11

**Action:** Approve the following Condemnation: Bryant Farms Road Extension, Phase 1, Parcel # 11

**Project:** Bryant Farms Road Extension, Phase 1, Parcel # 11

**Program:** Bryant Farms Road Extension, Phase 1

**Owner(s):** Raeburn Homeowners Association, Inc.

**Property Address:** Parks Farm Lane

**Total Parcel Area:** 16,124 sq. ft. (0.370 ac.)

**Property to be acquired by Fee Simple:** 1,240 sq. ft. (0.028 ac.) Fee Simple Outside of Existing Right of Way

**Property to be acquired by Easements:** 614 sq. ft. (0.014 ac.) Storm Drainage Easement and 1,665 sq. ft. (0.038 ac.) Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** Trees

**Zoned:** N1-A

**Use:** Neighborhood 1 Zoning District

**Parcel Identification Number:** 229-072-21

<https://polaris3g.mecklenburgcountync.gov/#pid=22907221&qisid=22907221>

**Appraised Value:** \$6,675

**Property Owner's Concerns:** None.

**City's Response to Property Owner's Concerns:** The HOA's Board of Directors cannot sign independently of a three-quarter membership vote, however, the property owner has agreed to the city's offer.

**Recommendation:** The recommendation is to proceed to condemnation during which time negotiations can continue, mediation is available, and if necessary, just compensation can be determined by the court.

**Council District:** 7

**Attachment(s):** Map

[Map - Bryant Farms Road Extension, Phase 1, Parcel # 11](#)

## 36. Property Transactions - Bryant Farms Road Extension, Phase 1, Parcel # 14

**Action:** Approve the following Condemnation: Bryant Farms Road Extension, Phase 1, Parcel # 14

**Project:** Bryant Farms Road Extension, Phase 1, Parcel # 14

**Program:** Bryant Farms Road Extension, Phase 1

**Owner(s):** Reavencrest Homeowners Association, Inc.

**Property Address:** Bryant Farms Road

**Total Parcel Area:** 8,841 sq. ft. (0.203 ac.)

**Property to be acquired by Fee Simple:** 1,131 sq. ft. (0.026 ac.) Fee Simple Outside of Right-of-Way

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** None

**Zoned:** N1-A

**Use:** Neighborhood 1 Zoning District

**Parcel Identification Number:** 229-102-98

<https://polaris3g.mecklenburgcountync.gov/#pid=22910298&gisid=22910298>

**Appraised Value:** \$3,725

**Property Owner's Concerns:** None.

**City's Response to Property Owner's Concerns:** The HOA's Board of Directors cannot sign independently of a three-quarter membership vote, however, the property owner has agreed to the city's offer.

**Recommendation:** The recommendation is to proceed to condemnation during which time negotiations can continue, mediation is available, and if necessary, just compensation can be determined by the court.

**Council District:** 7

**Attachment(s):** Map

[Map - Bryant Farms Road Extension, Phase 1, Parcel # 14](#)

### 37. Property Transactions - DeArmon Road Improvements, Parcel # 36

**Action:** Approve the following Acquisition: DeArmon Road Improvements, Parcel # 36

**Project:** DeArmon Road Improvements, Parcel # 36

**Program:** DeArmon Road Improvements

**Owner(s):** Claudia Sandra Jacobs

**Property Address:** 12301 DeArmon Road

**Total Parcel Area:** 183,006 sq. ft. (4.201 ac.)

**Property to be acquired by Easements:** 3,681 sq. ft. (0.084 ac.) Permanent Slope Easement, 2,452 sq. ft. (0.056 ac.) Permanent Utility Easement, 1,814 sq. ft. (0.042 ac.) Sidewalk Utility Easement, 1,559 sq. ft. (0.036 ac.) Storm Drainage Easement and 6,121 sq. ft. (0.141 ac.) Temporary Construction Easement

**Structures/Improvements to be impacted:** Fence and parking lot lighting

**Landscaping to be impacted:** Trees and various plantings

**Zoned:** N1-A

**Use:** Neighborhood 1 Zoning District

**Parcel Identification Number(s):** 027-072-19  
<https://polaris3g.mecklenburgcountync.gov/#mat=27189&pid=02707219&gisid=02707219>

**Purchase Price:** \$82,500

**Council District:** 4

### 38. Property Transactions - Monroe Road Multiuse Path, Parcel # 3

**Action:** Approve the following Acquisition: Monroe Road Multiuse Path, Parcel # 3

**Project:** Monroe Road Multiuse Path (MUP), Parcel # 3

**Program:** Monroe Road MUP

**Owner(s):** Charlotte Natural Health Group, LLC

**Property Address:** 5105, 5107 & 5109 Monroe Road

**Total Parcel Area:** 56,630 sq. ft. (1.300 ac.)

**Property to be acquired by Easements:** 327 sq. ft. (0.008 ac.) Permanent Shelter Easement, 3,341 sq. ft. (0.077 ac.) Sidewalk Utility Easement and 2,202 sq. ft. (0.051 ac.) Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** Trees and various plantings

**Zoned:** OFC

**Use:** Office Flex Campus Zoning District

**Parcel Identification Number:** 161-063-03

<https://polaris3g.mecklenburgcountync.gov/#mat=619596&pid=16106303&qisid=16106303>

**Purchase Price:** \$66,935

**Council District:** 5

## 39. Property Transactions - Monroe Road Multiuse Path, Parcel # 4

**Action:** Approve the following Acquisition: Monroe Road Multiuse Path, Parcel # 4

**Project:** Monroe Road Multiuse Path (MUP), Parcel # 4

**Program:** Monroe Road MUP

**Owner(s):** William L. Bryant

**Property Address:** 5201 Monroe Road

**Total Parcel Area:** 19,340 sq. ft. (0.444 ac.)

**Property to be acquired by Easements:** 95 sq. ft. (0.002 ac.) Storm Drainage Easement, 1,227 sq. ft. (0.028 ac.) Sidewalk Utility Easement and 1,421 sq. ft. (0.033 ac.) Temporary Construction Easement

**Structures/Improvements to be impacted:** Retaining wall

**Landscaping to be impacted:** Trees

**Zoned:** OFC

**Use:** Office Flex Campus Zoning District

**Parcel Identification Number:** 161-064-01

<https://polaris3g.mecklenburgcountync.gov/#mat=144731&pid=16106401&qisid=16106401>

**Purchase Price:** \$33,350

**Council District:** 5



## 40. Property Transactions - Monroe Road Multiuse Path, Parcel # 9

**Action:** Approve the following Acquisition: Monroe Road Multiuse Path, Parcel # 9

**Project:** Monroe Road Multiuse Path (MUP), Parcel # 9

**Program:** Monroe Road MUP

**Owner(s):** Richard Beauchemin, LLC

**Property Address:** 5309 Monroe Road

**Total Parcel Area:** 28,489 sq. ft. (0.654 ac.)

**Property to be acquired by Easements:** 703 sq. ft. (0.016 ac.) Sidewalk Utility Easement and 2,026 sq. ft. (0.047 ac.) Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** Trees and various plantings

**Zoned:** CG

**Use:** General Commercial Zoning District

**Parcel Identification Number:** 161-065-01

<https://polaris3g.mecklenburgcountync.gov/#mat=448249&pid=16106501&qisid=16106501>

**Purchase Price:** \$24,825

**Council District:** 5

## 41. Property Transactions - Monroe Road Multiuse Path, Parcel # 11

**Action:** Approve the following Acquisition: Monroe Road Multiuse Path, Parcel # 11

**Project:** Monroe Road Multiuse Path (MUP), Parcel # 11

**Program:** Monroe Road MUP

**Owner(s):** Five Associates, LLC

**Property Address:** 5401 Monroe Road

**Total Parcel Area:** 12,643 sq. ft. (0.290 ac.)

**Property to be acquired by Easements:** 927 sq. ft. (0.021 ac.) Sidewalk Utility Easement and 2,064 sq. ft. (0.047 ac.) Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** None

**Zoned:** B-2(CD)

**Use:** Business

**Parcel Identification Number:** 163-021-40

<https://polaris3g.mecklenburgcountync.gov/#mat=148847&pid=16302140&qisid=16302140>

**Purchase Price:** \$29,875

**Council District:** 5

## Adjournment

## REFERENCES

## 42. Reference - Charlotte Business INclusion Policy

The following excerpts from the City of Charlotte's Charlotte Business INclusion Policy are intended to provide further explanation for those agenda items that reference the Charlotte Business INclusion Policy in the business meeting agenda.

### **Part A: Administration and Enforcement**

#### **Part A: Section 2.3:** Targeted Outreach and Designated Contracts for Small Business Enterprises (SBEs).

When feasible, the Charlotte Business INclusion (CBI) Office may designate certain Contracts or categories of Contracts in which solicitation efforts will be directed only to SBEs. In designating Contracts for targeted outreach or SBE participation, the CBI Office takes into account the size and scope of the Contract and the availability of SBEs to provide the applicable services or products.

**Part A: Section 3.1:** Subcontracting Goals. The city shall establish one or more Subcontracting Goals for all Construction Contracts of 200,000 or more and for all Architecture, Engineering, and Surveying Contracts of \$100,000 or more. Contracts estimated to be less than these thresholds are exempt from the goal setting process.

**Appendix Section 20: Contract:** For the purposes of establishing a (Minority, Women, and Small Business Enterprise (MWSBE) subcontracting goal on a Contract, the following are examples of contract types:

- Any agreement through which the city procures services from a Business Enterprise, other than Exempt Contracts.
- Contracts include agreements and purchase orders for (a) construction, re-construction, alteration, and remodeling; (b) architectural work, engineering, surveying, testing, construction management, and other professional services related to construction; and (c) services of any nature (including but not limited to general consulting and technology-related services), and (d) apparatus, supplies, goods, or equipment.
- The term "Contract" shall also include Exempt Contracts for which an SBE, Minority Business Enterprise (MBE), or Women Business Enterprise (WBE) Goal has been set.
- Financial Partner Agreements, Development Agreements, Infrastructure Improvement Agreements, Design-Build, and Construction Manager-at-Risk Agreements shall also be deemed "Contracts," but shall be subject to the provisions referenced in the respective Parts of the Charlotte Business INclusion Program Policy.

**Appendix Section 27: Exempt Contracts:** Contracts that fall within one or more of the following categories are "Exempt Contracts" and shall be exempt from all aspects of the Charlotte Business INclusion Policy:

**No Competitive Process Contracts:** Contracts or purchase orders that are entered into without a competitive process, or entered into based on a competitive process administered by an entity other than the city, including but not limited to contracts that are entered into by sole sourcing, piggybacking, buying off the North Carolina State contract, buying from a competitive bidding group purchasing program as allowed under G.S. 143-129(e)(3), or using the emergency procurement procedures established by the North Carolina General Statutes.

**Managed Competition Contracts:** Managed competition contracts pursuant to which a city department or division competes with Business Enterprises to perform a city function.

**Real Estate Leasing and Acquisition Contracts:** Contracts for the acquisition or lease of real estate.

**Federal Contracts Subject to Disadvantaged Business Enterprise (DBE) Requirements:** Contracts that are subject to the U.S. Department of Transportation Disadvantaged Business Enterprise Program as set forth in 49 CFR Part 26 or any successor legislation.

**State Funded Contracts Subject to the State’s MWBE Requirements:** Contracts that are subject to an MWBE Goal set by the State of North Carolina pursuant to N.C. Gen. Stat. 143-128.2.

**Financial Partner Agreements with DBE or MWBE Requirements:** Contracts that are subject to a DBE program or minority and women business development program maintained by a Financial Partner.

**Interlocal Agreements:** Contracts with other units of federal, state, or local government.

**Contracts for Legal Services:** Contracts for legal services, unless otherwise indicated by the City Attorney.

**Contracts with Waivers:** Contracts for which the City Manager or CBI Program Manager waives the CBI Program requirements (such as when there are no MWSBE subcontracting opportunities on a Contract).

**Special Exemptions:** Contracts where the department and the CBI Program Manager agree that the department had no discretion to hire an MWSBE (e.g., emergency contracts or contracts for banking or insurance services) shall be Exempt Contracts.

**Appendix Section 35: Informal Contracts:** Contracts that are estimated to be less than the following dollar thresholds prior to issuance of the City Solicitation Documents:

- Construction Contracts: \$500,000, and
- Service Contracts and Commodities Contracts: \$100,000.

## **Part B: Construction and Commodities Contracts**

**Part B: Section 2.1:** When the city sets a Subcontracting Goal, each Bidder must either: (a) meet each Subcontracting Goal; or (b) comply with the Good Faith Negotiation and Good Faith Efforts requirements for each unmet Subcontracting Goal. Failure to comply constitutes grounds for rejection of the Bid. The City Solicitation Documents will contain certain forms that Bidders must complete to document having met these requirements.

**Part B: Section 2.3: No Goals When There Are No Subcontracting Opportunities.** The city shall not establish Subcontracting Goals for Contracts where: a) there are no subcontracting opportunities identified for the Contract; or b) there are no MBEs, WBEs, or SBEs (as applicable) to perform scopes of work or provide products or services that the city regards as realistic opportunities for subcontracting.

## **Part C: Service Contracts**

**Part C: Section 2.1(a) Subcontracting Goals: No Goal When There Are No MWSBE Subcontracting Opportunities.** The city shall not establish Subcontracting Goals for Service Contracts where (a) there are no subcontracting opportunities identified for the Contract; or (b) there are no MWBEs or SBEs certified to perform the scopes of work that the city regards as realistic opportunities for subcontracting.

**Part C: Section 2.1(b) and 2.1(c):** The city may require each Proposer to submit with its Proposal one or more of the following: (a) a Participation Plan describing how Proposer intends to solicit MWSBE participation; (b) the Proposer’s Committed Subcontracting Goals; and (c) an affidavit listing the MWBEs or SBEs it intends to use on the Contract.

**Part C: Section 2.1(h) Negotiated Goals:** The city may seek to negotiate Subcontracting Goals after Proposals have been submitted.

## **Part D: Post Contract Award Requirements**

**Part D: Section 6: New Subcontractor Opportunities/Additions to Scope/Contract Amendments**

If a Contractor elects to subcontract any portion of a Contract that the Contractor did not previously identify to the city as a subcontracting opportunity, or if the scope of work on a Contract increases for any reason in a manner that creates a new MWSBE subcontracting opportunity, the city shall either (a) notify the Contractor that there will be no Supplemental MWSBE Goal for the new work; or (b) establish and notify the Contractor of a Supplemental MWSBE Goal for the new work.

**Part F: Financial Partners**

**Part F: Section 4:** Financial Partners shall undertake the following outreach efforts with respect to MWBEs and SBEs:

- 4.1 Notify MWBEs and SBEs of any contracting or procurement opportunities that may exist in the Financial Partner's business for which there are MWBEs and SBEs listed in the city's database; and
- 4.2 Request advice and assistance from the CBI Office as to what additional SBE measures might be helpful if and when it becomes apparent that outreach alone will be insufficient to meet the Financial Partner's MWBE and SBE Goal; and
- 4.3 Follow such additional measures as the CBI Office reasonably recommends.

**Part G: Alternative Construction Agreements**

**Part G: Section 2.7:** Prior to City Council's vote to award the Alternative Construction Agreement, the Program Manager and the Company shall negotiate and agree on proposed MWSBE Goals for the Project and on a Participation Plan that describes the outreach and efforts the Company will be required to undertake to meet the MWSBE subcontracting goals.

## 43. Reference - Property Acquisitions and Condemnations

- The city has negotiated in good faith to acquire the properties set forth below.
- For acquisitions, the property owner and staff have agreed on a price based on appraisals and/or estimates.
- In the case of condemnations, the value was established by an independent, certified appraisal followed by a third-party appraisal review.
- Real Estate staff diligently attempts to contact all property owners by:
  - Sending introductory letters via regular and certified mail,
  - Making several site visits,
  - Leaving door hangers and business cards,
  - Seeking information from neighbors,
  - Searching the internet,
  - Obtaining title abstracts, and
  - Leaving voice messages.
- For most condemnation cases, the city and the property owner(s) have been unable to reach a settlement. In some cases, condemnation is necessary to ensure a clear title to the property.
- If the City Council approves the resolutions, the City Attorney's office will initiate condemnation proceedings. As part of the condemnation process, real estate staff and the City Attorney's Office will continue to negotiate, including court-mandated mediation, in an attempt to resolve the matter. Most condemnation cases are settled by the parties prior to going to court.
- If a settlement cannot be reached, the case will proceed to a trial before a judge or jury to determine "just compensation."
- Full text of each resolution is on file with the City Clerk's Office.
- The definition of easement is a right created by grant, reservation, agreement, prescription, or necessary implication, which one has in the land of another, it is either for the benefit of land, such as right to cross A to get to B, or "in gross," such as public utility easement.
- The term "fee simple" is a synonym for ownership and is an estate under which the owner is entitled to unrestricted powers to dispose of the property, and which can be left by will or inherited.

## 44. Reference - Property Transaction Process

### Property Transaction Process Following City Council Approval for Condemnation

The following overview is intended to provide further explanation for the process of property transactions that are approved by City Council for condemnation.

Approximately six weeks of preparatory work is required before the condemnation lawsuit is filed. During this time, the City continues to negotiate with the property owner in an effort to reach a mutual settlement.

- If a settlement is reached, the condemnation process is stopped, and the property transaction proceeds to a real estate closing.
- If a settlement cannot be reached, the condemnation lawsuit is filed. Even after filing, negotiations continue between the property owner and the City's legal representative. Filing of the condemnation documents allows:
  - The City to gain access and title to the subject property so the capital project can proceed on schedule.
  - The City to deposit the appraised value of the property in an escrow account with the Clerk of Court. These funds may be withdrawn by the property owner immediately upon filing, and at any time thereafter, with the understanding that additional funds transfer may be required at the time of final settlement or at the conclusion of litigation.
- If a condemnation lawsuit is filed, the final trial may not occur for 18 to 24 months; however, a vast majority of the cases settle prior to final trial. The City's condemnation attorney remains actively engaged with the property owner to continue negotiations throughout litigation.
  - North Carolina law requires that all condemnation cases go through formal non-binding mediation, at which an independent certified mediator attempts to facilitate a successful settlement. For the minority of cases that do not settle, the property owner has the right to a trial by judge or jury in order to determine the amount of compensation the property owner will receive.